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1 2 3 4 5	BARRY J. PORTMAN Federal Public Defender JOSH COHEN Assistant Federal Public Defender 19th Floor Federal Building 450 Golden Gate Avenue San Francisco, CA 94102 (415) 436-7700 Counsel for Defendant SMITH	
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7 8	IN THE UNITED STATES DISTRICT COURT	
9	FOR THE NORTHERN DISTRICT OF CALIFORNIA	
10	The Hample Cally land Coll whether the	N. CD 06 0470 CDD
11	UNITED STATES OF AMERICA,	No. CR-06-0172 CRB
12	Plaintiff,	STIPULATION AND [PROPOSED] ORDER CONTINUING EVIDENTIARY
13	V.)) HEARING
14	ROBERT SMITH,))
15	Defendant.))
16		
17	On September 27, 2006, the parties in this matter appeared before the Court for a hearing	
18	on defendant's motion to suppress. The Court continued the matter for an evidentiary hearing.	
19	The evidentiary hearing is presently scheduled for October 20, 2006.	
20	Defense counsel seeks, and the government does not object to, a short continuance of the	
21	hearing date to facilitate effective preparation. Accordingly, the parties agree and stipulate that	
22	the evidentiary hearing presently scheduled for October 20, 2006 should be continued to	
23	November 8, 2006 at 9:00 AM. Because the defendant's motion remains pending, the requested	
24	///	
25	///	
26	///	
	CR 06-0172 CRB; STIP TO CONTINUE	1

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continuance will have no effect on the Speedy Trial Act calculation. 1 2 IT IS SO STIPULATED. 10/16/06 3 Dated: Fèderal Public Defender 4 JOSH COHEN Assistant Federal Public Defender 5 6 Dated: KEVIN V. RYAN 7 United States Attorney MICHELLE MORGAN-KELLY 8 Assistant United States Attorney 9 10 **ORDER** 11 Accordingly, and for good cause shown, the Court orders that the evidentiary hearing 12 presently scheduled for October 20, 2006 shall be continued to November 8, 2006 at 9:00 AM. 13 IT IS SO ORDERED. 14 Dated: October 19, 2006 15 ED STATES DIC DGE IT IS SO ORDERED 16 17 Judge Charles R. Breyer 18 19 20 21 22 23 24 25 26

T-054 P.003/003 F-085 +4154367366 From-FEDERAL PUBLIC DEFENDER 10-16-08 16:43 continuance will have no effect on the Speedy Trial Act calculation. 1 2 IT IS SO STIPULATED. 10/16/06 3 Dated: Federal Public Defender 4 JOSH COHEN Assistant Federal Public Defender 5 б 10/16/06 Dated: 7 United States Attorne MICHELLE MORGAN-KELLY 8 Assistant United States Attorney 9 10 ORDER 11 Accordingly, and for good cause shown, the Court orders that the evidentiary hearing 12 presently scheduled for October 20, 2006 shall be continued to November 8, 2006 at 9:00 AM. 13 IT IS SO ORDERED. 14 Dated: CHARLES R. BREYER 15 UNITED STATES DISTRICT JUDGE 16 17 18 19 20 21 22 23 24 25 26 CR 06-0172 CRB; STIP TO CONTINUE 2

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CERTIFICATE OF SERVICE The undersigned hereby certify under penalty of perjury that the following true copy of the Stipulation and [Proposed] Order Continuing Evidentiary Hearing, Concerning the case of United States v. Robert Smith, CR 06-0172 CRB were delivered by fax transmittal to: United States Attorney 1301 Clay St. Oakland, CA Attention Michelle Morgan-Kelly Fax #: (510) 637-3724 October 17, 2006 MICHAEL TARKINGTON